

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
RAS Citron, LLC 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor Harold Kaplan, Esq. (NJ-0226)	CASE NO.: 18-19074-ABA CHAPTER 13 Objection to Confirmation of Debtor's Chapter 13 Plan
In Re: Damiano M. Consilvio, Sr., Debtor. <u>Danielle C. Consilvio,</u> Joint Debtor.	

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

FEDERAL NATIONAL MORTGAGE ASSOCIATION("FANNIE MAE")("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 11), and states as follows:

1. Debtors, Damiano M. Consilvio, Sr.("Debtor") and Danielle C. Consilvio ("Joint Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on May 2, 2018.
2. Secured Creditor holds a security interest in the Debtor's real property located at 130 W LEAMING AVE, WILDWOOD, NJ 08260, by virtue of a Mortgage recorded on June 10, 2009 in Book M4893, at Page 361 of the Public Records of Cape May County, NJ. Said Mortgage secures a Note in the amount of \$196,000.00.
3. The Debtor filed a Chapter 13 Plan on May 17, 2018October 28, 2016.
4. The Plan fails to mention the total amount of arrears owed. It is anticipated that Secured Creditor's claim will show the pre-petition arrearage due Secured Creditor is \$21,750.96. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan

which proposes to pay it anything less than \$21,750.96 as the pre-petition arrearage over the life of the plan.

5. The Plan does not appear feasible due to inadequate treatment of Secured Creditor's claim. Thus, the plan violates the provisions of 11 U.S.C. § 1325(a)(3) and cannot be confirmed.
6. In addition the court docket shows the following: Clerk's Evidence of Previous Dismissal. 11 U.S.C. section 362(c)(3). The Debtor and Joint Debtor had one case pending within the preceding one year period but was dismissed. See case 15-28726. (mrm) and no motion and order having been entered within 30 days of the petition date 5/2/2018 the stay has terminated.

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

RAS Citron, LLC
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By: /s/Harold Kaplan
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CERTIFICATION OF SERVICE

1. I, Harold Kaplan, represent FEDERAL NATIONAL MORTGAGE ASSOCIATION (“FANNIE MAE”) in this matter.
2. On 6/13/2018, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below.

3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

6/13/2018

RAS Citron, LLC
Attorney for Secured Creditor
130 Clinton Road, Suite 202
Fairfield, NJ 07004
Telephone Number 973-575-0707

By: /s/Harold Kaplan
Harold Kaplan, Esquire
NJ Bar Number NJ-0226
Email: hkaplan@rasnj.com

<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Rex J. Roldan Law Office of Rex J. Roldan, PC Washington Professional Campus 900 Route 168, Suite I-4 Turnersville, NJ 08012	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Damiano M. Consilvio, Sr. 106 Landing Drive Deptford, , NJ 08096	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Danielle C. Consilvio 106 Landing Drive Deptford, , NJ 08096	Joint Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Isabel C. Balboa Chapter 13 Standing Trustee Cherry Tree Corporate Center 535 Route 38 - Suite 580 Cherry Hill, NJ 08002	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
US Dept of Justice One Newark Center Ste 2100 Newark, , NJ 07102	US Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)